

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC DIGOXIN AND
DOXYCYCLINE ANTITRUST LITIGATION**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

**MDL NO. 2724
16-MD-2724**

HON. CYNTHIA M. RUFÉ

**DEFENDANT IMPAX LABORATORIES, INC.'S MOTION TO DISMISS THE
DIRECT PURCHASER PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION
COMPLAINT AND THE END-PAYER PLAINTIFFS' CORRECTED
CONSOLIDATED CLASS ACTION COMPLAINT**

Defendant Impax Laboratories, Inc. (“Impax”), by counsel, pursuant to Fed. R. Civ. P. 12(b)(6), respectfully moves to dismiss the claims asserted against it by Direct Purchaser Plaintiffs (*see* Direct Purchaser Plaintiffs’ Consolidated Amended Class Action Complaint, ECF No. 125, filed Jan. 27, 2017) and End-Payer Plaintiffs (*see* End-Payer Plaintiffs’ Corrected Consolidated Class Action Complaint, ECF No. 175, filed March 27, 2017) (collectively, the “Complaints”).

In the interest of “the just, speedy, and inexpensive determination” of this matter, Fed. R. Civ. P.1, and so as not to repeat arguments, Impax respectfully joins and incorporates by reference Certain Defendants’ Joint Motion to Dismiss Direct Purchaser Plaintiffs’ Consolidated Amended Class Action Complaint and Certain Defendants’ Joint Motion to Dismiss the End-Payer Plaintiffs’ Corrected Consolidated Class Action Complaint, the accompanying memorandums of law in support of those motions, and all exhibits and attachments thereto. In addition, Impax relies upon additional grounds for dismissal that are contained in its Memorandum of Law in Support of Its Motion to Dismiss the Direct Purchaser Plaintiffs’ Consolidated Amended Class Action Complaint and End-Payer Plaintiffs’ Corrected Consolidated Class Action Complaint, which is being filed contemporaneously with this Motion.

For all of the reasons described in the memorandums of law, the Complaints should be dismissed with prejudice as to Impax.

Dated: March 28, 2017

Respectfully Submitted,

/s/ Raymond A. Jacobsen, Jr.

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